

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 WILBUR PITTMAN,

11 Plaintiff,

No. 2:08-cv-2931 JFM (PC)

12 vs.

13 M. MARTEL,

14 Defendant.

ORDER

15 _____/
16 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant
17 to 42 U.S.C. § 1983,.

18 The federal venue statute requires that a civil action, other than one based on
19 diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all
20 defendants reside in the same State, (2) a judicial district in which a substantial part of the events
21 or omissions giving rise to the claim occurred, or a substantial part of property that is the subject
22 of the action is situated, or (3) a judicial district in which any defendant may be found, if there is
23 no district in which the action may otherwise be brought.” 28 U.S.C. § 1391(b).

24 In this case, the defendant(s) are located and the claim arose in Riverside County,
25 which is in the Central District of California. Therefore, plaintiff’s claim should have been filed
26 in the United States District Court for the Central District of California. In the interest of justice,

1 a federal court may transfer a complaint filed in the wrong district to the correct district. See 28
2 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

3 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the
4 United States District Court for the Central District of California.

5 DATED: December 16, 2008.

6
7 
8 UNITED STATES MAGISTRATE JUDGE

9 /mp/001
10 pitt2931.21a
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26